

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHEVRON CORPORATION,

Plaintiff,

v.

STEVEN DONZIGER, THE LAW OFFICES OF
STEVEN R. DONZIGER, PABLO FAJARDO
MENDOZA, LUIS YANZA, FRENTE DE
DEFENSA DE LA AMAZONIA A/K/A AMAZON
DEFENSE FRONT, SELVA VIVA SELVIVA
CIA, LTDA., STRATUS CONSULTING, INC.,
DOUGLAS BELTMAN, ANN MAEST, MARIA
AGUINDA SALAZAR, CARLOS GREFA
HUATATOCA, CATALINA ANTONIA
AGUINDA SALAZAR, LIDIA ALEXANDRA
AGUINDA AGUINDA, PATRICIO ALBERTO
CHIMBO YUMBO, CLIDE RAMIRO AGUINDA
AGUINDA, LUIS ARMANDO CHIMBO
YUMBO, BEATRIZ MERCEDES GREFA
TANGUILA, LUCIO ENRIQUE GREFA
TANGUILA, PATRICIO WILSON AGUINDA
AGUINDA, CELIA IRENE VIVEROS
CUSANGUA, FRANCISCO MATIAS
ALVARADO YUMBO, FRANCISCO
ALVARADO YUMBO, OLGA GLORIA GREFA
CERDA, LORENZO JOSÉ ALVARADO
YUMBO, NARCISA AIDA TANGUILA
NARVÁEZ, BERTHA ANTONIA YUMBO
TANGUILA, GLORIA LUCRECIA TANGUILA
GREFA, FRANCISCO VICTOR TANGUILLA

Case No. 11-CV-0691

**SECOND SUPPLEMENTAL
DECLARATION OF
KRISTEN L. HENDRICKS IN
SUPPORT OF CHEVRON
CORPORATION'S MOTION
FOR PRELIMINARY
INJUNCTION**

GREFA, ROSA TERESA CHIMBO TANGUILA, :
 JOSÉ GABRIEL REVELO LLORE, MARÍA :
 CLELIA REASCOS REVELO, MARÍA :
 MAGDALENA RODRÍGUEZ BARCENES, :
 HUGO GERARDO CAMACHO NARANJO, JOSÉ :
 MIGUEL IPIALES CHICAIZA, HELEODORO :
 PATARON GUARACA, LUISA DELIA :
 TANGUILA NARVÁEZ, LOURDES BEATRIZ :
 CHIMBO TANGUILA, MARÍA HORTENCIA :
 VIVEROS CUSANGUA, SEGUNDO ÁNGEL :
 AMANTA MILÁN, OCTAVIO ISMAEL :
 CÓRDOVA HUANCA, ELIAS ROBERTO :
 PIYAHUAJE PAYAHUAJE, JAVIER PIAGUAJE :
 PAYAGUAJE, DANIEL CARLOS LUSITANDE :
 YAIGUAJE, BENANCIO FREDY CHIMBO :
 GREFA, GUILLERMO VICENTE PAYAGUAJE :
 LUSITANTE, DELFÍN LEONIDAS PAYAGUAJE :
 PAYAGUAJE, ALFREDO DONALDO :
 PAYAGUAJE PAYAGUAJE, TEODORO :
 GONZALO PIAGUAJE PAYAGUAJE, MIGUEL :
 MARIO PAYAGUAJE PAYAGUAJE, FERMIN :
 PIAGUAJE PAYAGUAJE, REINALDO :
 LUSITANDE YAIGUAJE, LUIS AGUSTÍN :
 PAYAGUAJE PIAGUAJE, EMILIO MARTÍN :
 LUSITANDE YAIGUAJE, SIMON LUSITANDE :
 YAIGUAJE, ARMANDO WILFRIDO PIAGUAJE :
 PAYAGUAJE, and ÁNGEL JUSTINO :
 PIAGUAJE LUCITANTE, :

Defendants.

x

I, KRISTEN L. HENDRICKS, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and before this Court. I am an associate in the law firm of Gibson, Dunn & Crutcher, LLP, counsel of record for Chevron Corporation (“Chevron”) in the above-captioned matter. I make this declaration, based

on personal knowledge, in support of Chevron's Motion for Preliminary Injunction. If called as a witness, I could and would testify to the same as stated herein.

2. Being filed concurrently as Exhibit 465 is a CD containing true and correct copies of selected excerpts from the unreleased footage from the movie *Crude*. Pursuant to the orders of this Court and the Second Circuit Court of Appeals, on July 19, 2010, filmmaker Joseph Berlinger began producing to Chevron unreleased footage ("outtakes") gathered during the filming of the movie *Crude*. The excerpts included in Exhibit 465 are segments of video excerpted from digitized copies of the tapes produced by Mr. Berlinger. The digitized copies were created, pursuant to Mr. Berlinger's request, by a reputable post production house called PostWorks New York, located in New York City.

3. Attached hereto as Exhibit 466 are true and correct copies of the certified transcriptions and translations of the video files contained on Exhibit 465.

4. Being filed concurrently as Exhibit 547 is a CD containing true and correct copies of selected excerpts from the unreleased footage from the movie *Crude*. Pursuant to the orders of this Court and the Second Circuit Court of Appeals, on July 19, 2010, filmmaker Joseph Berlinger began producing to Chevron unreleased footage ("outtakes") gathered during the filming of the movie *Crude*. The excerpts included in Exhibit 547 are segments of video excerpted from digitized copies of the tapes produced by Mr. Berlinger. The digitized copies were created, pursuant to Mr. Berlinger's request, by a reputable post production house called PostWorks New York, located in New York City.

5. Attached hereto as Exhibit 548 are true and correct copies of the certified transcriptions and translations of the video files contained on Exhibit 547.

6. I have reviewed both the video files contained on Exhibits 465 and 547 and the certified transcriptions and translations of these video files contained in Exhibits 466 and 548. During the course of my representation of Chevron, I have developed personal knowledge of the visual identities of the following individuals:

- Steven Donziger (counsel for the Lago Agrio Plaintiffs)
- Pablo Fajardo Mendoza (counsel for the Lago Agrio Plaintiffs)
- Joseph Kohn (financier of the Lago Agrio Plaintiffs' case)
- Luis Yanza (coordinator for the Lago Agrio Plaintiffs and representative of the Amazon Defense Front or Frente de Defensa de la Amazonía)
- Alejandro Ponce Villacis (counsel for the Lago Agrio Plaintiffs)
- Olga Lucía Gomez (member of the Lago Agrio Plaintiffs' technical team)

7. I have discussed and confirmed the identification of the individuals in paragraph 6 in the video files contained on Exhibits 465 and 547 with other attorneys who represent Chevron. In addition, I have consulted various third-party resources to confirm the identities of these individuals. For example, I have viewed the movie *Crude* in its entirety. Steven Donziger, Pablo Fajardo, Luis Yanza, and Joseph Kohn are identified by name and role in the movie.

8. The video file identified on Exhibit 465 as CRS-053-02-CLIP-04, shot on March 30, 2006, according to Mr. Berlinger's footage log, depicts Steven Donziger commenting on how the judge is so "weak[]" that, even after they stormed into his office with the media, "he [did not] have the power to say, 'get the fuck out of my office.'"

9. The video file identified on Exhibit 465 as CRS-053-02-CLIP-08, shot on March 30, 2006, according to Mr. Berlinger's footage log, depicts Steven Donziger talking about steps he will take to prevent an inspection of a lab.

10. The video file identified on Exhibit 465 as CRS-083-00-CLIP-01 depicts Steven Donziger speaking to Joseph Kohn and describing plans to intimidate judges in Ecuador.

11. The video file identified on Exhibit 465 as CRS-130-00-CLIP-01, shot on December 8, 2006, according to Mr. Berlinger's footage log, depicts Steven Donziger claiming that, with respect to President Correa, René Vargas Pazos (of Petroecuador) and Alberto Acosta (of the Constituent Assembly and later Minister of Energy): "[A]ll these people . . . we already have connections with, they love us and they want to help us. . . . [T]hey're actually asking us to come and asking what they can do []."

12. The video file identified on Exhibit 465 as CRS-138-01-CLIP-02, shot on December 6, 2006, according to Mr. Berlinger's footage log, depicts S. Donziger saying that Chevron suing the government "forced the government into [the Lago Agrio plaintiffs'] camp," and that, "with Correa's victory, we've never been tighter with the government."

13. The video file identified on Exhibit 465 as CRS-404-101, shot on July 3, 2007, according to Mr. Berlinger's footage log, depicts a protest march in Ecuador.

14. The video file identified on Exhibit 465 as CRS-405-00-CLIP-01, shot on July 3, 2007, according to Mr. Berlinger's footage log, depicts a crowd at a rally in Ecuador.

15. The video file identified on Exhibit 465 as CRS-405-00-CLIP-03, shot on July 3, 2007, according to Mr. Berlinger's footage log, depicts a crowd at a rally in Ecuador.

16. The video file identified on Exhibit 547 as CRS-053-02-CLIP-01, shot on March 30, 2006, according to Mr. Berlinger's footage log, depicts Steven Donziger discussing blocking the inspection of a laboratory.

17. The video file identified on Exhibit 547 as CRS-218-00-CLIP-05, shot on March 19, 2007, according to Mr. Berlinger's footage log, depicts Olga Luisa Gomez expressing concern to Luis Yanza that "I am very worried about the things being published regarding our results."

18. Attached hereto as Exhibit 467 are true and correct copies of Affidavits of Service dated February 4, 2011, showing that Stratus Consulting, Inc., D. Beltman and A. Maest were served with the Order to Show Cause for a Temporary Restraining Order and Preliminary Injunction.

19. Attached hereto as Exhibit 468 is a true and correct copy of a memorandum dated June 6, 2005 to L. Yanza copying S. Donziger with the subject, “CRITERIOS DE SELECCIÓN DE SERVICIOS” [“SELECTION CRITERIA FOR SERVICE LABORATORIES”], produced by S. Donziger and bearing the Bates numbers DONZ00014114 – 00014116, and a certified English translation thereof.

20. Attached hereto as Exhibit 469 is a true and correct copy of the Affidavit of David Lloyd Russell, President of Global Environmental Operations, Inc., dated March 20, 2006.

21. Attached hereto as Exhibit 470 is a true and correct copy of an email dated December 4, 2007 from A. Maest to D. Beltman and S. Donziger with the subject, “can we talk briefly today?,” produced by Stratus and bearing the Bates numbers STRATUS-NATIVE050355 – 050357.

22. Attached hereto as Exhibit 471 is a true and correct copy of a memorandum dated August 27, 2007 from A. Maest, Stratus Consulting, Inc. to S. Donziger with the subject “Review of Groundwater Evaluation Plan Prepared by Dr. Luis Cumbal Flores,” produced by S. Donziger and bearing the Bates number DONZ00044129.

23. Attached hereto as Exhibit 472 is a true and correct copy of a CD containing a video entitled, “Victims of Chevron contamination sued by company in Ecuador,” which was posted on YouTube.com on February 6, 2011 by Amazon Watch, *available at* <http://www.youtube.com/watch?v=dKoBo8nY5aY>.

24. Attached hereto as Exhibit 473 is a true and correct copy of a certified transcription and translation of a video entitled, "Victims of Chevron contamination sued by company in Ecuador," which was posted on YouTube.com on February 6, 2011 by Amazon Watch, *available at* <http://www.youtube.com/watch?v=dKoBo8nY5aY>.

25. Attached hereto as Exhibit 474 is a true and correct copy of a filing by Richard Cabrera in the Lago Agrio Litigation on October 11, 2007, purporting to confirm that he performed his "work with absolute impartiality, honesty, transparency and professionalism," and a certified English translation thereof.

26. Attached hereto as Exhibit 475 is a true and correct copy of a document dated October 27, 2010 entitled, "Intercreditor Agreement (PMW)," produced by S. Donziger and bearing the Bates number DONZ00126571.

27. Attached hereto as Exhibit 476 is a true and correct copy of a document dated October 27, 2010 entitled, "Funding Agreement," produced by S. Donziger and bearing the Bates number DONZ00126569.

28. Attached hereto as Exhibit 477 is a true and correct copy of a document dated October 22, 2010 entitled, "Master Agreement," produced by S. Donziger and bearing the Bates number DONZ00126554.

29. Attached hereto as Exhibit 478 is a true and correct copy of a document dated April 27, 2006 entitled, "Agreement to Dispute a Case Against Chevron Texaco, Now Chevron, In Ecuador," produced by S. Donziger and bearing the Bates number DONZ0022907, and a contemporaneous English translation thereof.

30. Attached hereto as Exhibit 479 is a true and correct copy of an email chain dated March 11, 2008 among P. Fajardo, S. Donziger, and Fariyah Zaman with the subject, "PARA

STEVEN” [“FOR STEVEN”], produced by S. Donziger and bearing the Bates number DONZ00045374, and a certified English translation thereof.

31. Attached hereto as Exhibit 480 is a true and correct copy of a declaration by P. Fajardo filed in *In re Application of Chevron*, No. 1:10-mc-00002-LAK (S.D.N.Y.) on January 19, 2011, and a certified English translation thereof.

32. Attached hereto as Exhibit 481 is a true and correct copy of a document dated November 12, 2010 entitled, “Special Power of Attorney and Legal Mandate Authorized by Octavio Ismael Cordova Huanca and Others To: Attorney Pablo Estenio Fajardo Mendoza,” and a certified English translation thereof, which was filed in *In re Application of Chevron*, No. 1:10-mc-00002-LAK (S.D.N.Y.).

33. Attached hereto as Exhibit 482 is a true and correct copy of a Stipulation and Order, entered June 21, 2001 in *Aguinda v. Texaco Inc.*, No. 93 CIV. 7527 (JSR) and *Jota v. Texaco Inc.*, No. 94 CIV. 9266 (JSR) (S.D.N.Y.).

34. Attached hereto as Exhibit 483 is a true and correct copy of an email dated October 19, 2007 from S. Donziger to A. Snaider with the subject, “this went out today...,” produced by S. Donziger and bearing the Bates number DONZ00021040.

35. Attached hereto as Exhibit 484 is a true and correct copy of Texaco Inc.’s 1999 Notice of Agreements, filed in *Aguinda v. Texaco Inc.*, No. 93 CIV. 7527 (JSR) (S.D.N.Y.).

36. Attached hereto as Exhibit 485 is a true and correct copy of a letter from the Permanent Court of Arbitration in the matter of PCA Case No. 2009-23, *Chevron Corp. v. Republic of Ecuador*, dated February 9, 2011.

37. Attached hereto as Exhibit 486 is a true and correct copy of the Order of Interim Measures from the Permanent Court of Arbitration in the matter of PCA Case No. 2009-23, *Chevron Corp. v. Republic of Ecuador*, dated February 9, 2011.

38. Attached hereto as Exhibit 487 is a true and correct copy of an email dated January 12, 2010 from E. Mukherjee to S. Donziger, A. Woods, J. Abady, A. Celli and others with the subject, "Petition with our edits," produced by S. Donziger and bearing the Bates number DONZ00028766, and enclosing a document entitled "Complaint to Stay Arbitration," bearing the Bates number DONZ00028767.

39. Attached hereto as Exhibit 488 is a true and correct copy of an undated draft Co-counseling Agreement from J. Abady of Emery Celli Brinckerhoff & Abady LLP to S. Donziger and J. Kohn, produced by S. Donziger and bearing the Bates number DONZ00026931.

40. Attached hereto as Exhibit 489 is a true and correct copy of an email dated January 5, 2010 from A. Celli to S. Donziger and others with the subject, "Preliminary Thoughts and Edits on the Ecuador Petition," produced by S. Donziger and bearing the Bates number DONZ00028722.

41. Attached hereto as Exhibit 490 is a true and correct copy of an email dated January 7, 2010 from E. Mukherjee to C. Mitchell and E. Bloom, copying S. Donziger, A. Woods, J. Abady, A. Celli and others, with the subject, "Aguinda Petition," produced by S. Donziger and bearing the Bates number DONZ00028734.

42. Attached hereto as Exhibit 491 is a true and correct copy of an email dated January 12, 2010 from S. Donziger to I. Maazel, J. Abady and E. Mukherjee with the subject "authorization from Pablo," produced by S. Donziger and bearing the Bates number DONZ00061179.

43. Attached hereto as Exhibit 492 is a true and correct copy of an email dated October 27, 2008 from J. Berlinger to S. Donziger with the subject "Film Notes," produced by J. Berlinger and bearing Bates numbers JB01517-1525.

44. Attached hereto as Exhibit 493 is a true and correct copy of an email dated November 27, 2006 from R. Stratton to S. Donziger, J. Berlinger and M. Bonfiglio with the subject "Ecuador film," produced by S. Donziger and bearing the Bates number DONZ00042021.

45. Attached hereto as Exhibit 494 is a true and correct copy of Singapore Rules of Court Order 29-2.

46. Attached hereto as Exhibit 495 is a true and correct copy of portions of a book entitled "Enforcement of Foreign Judgments," edited by Dennis Campbell.

47. Attached hereto as Exhibit 496 is a true and correct copy of an article entitled "Bucaram acusó a Mera de tráfico de influencias en caso de la Cervecería Nacional" ["Bucaram accuses Mera of influence peddling in Cervecería Nacional case"], ECUADOR EN VIVO, dated February 10, 2011, and a certified English translation thereof.

48. Attached hereto as Exhibit 497 is a true and correct copy of an article entitled "Metiendo mano" ["Getting hands on"] by Gonzalo Ruiz Álvarez, EL COMERCIO, dated February 11, 2011, and a certified English translation thereof.

49. Attached hereto as Exhibit 498 is a true and correct copy of an article entitled "Foreign companies threatened," EL COMERCIO, dated June 21, 2009, and a certification translation thereof.

50. Attached hereto as Exhibit 499 is a true and correct copy of an article entitled "Ecuador to denounce remaining BITS," GLOBAL ARBITRATION REVIEW, dated October 30,

2009, *available at* <http://www.globalarbitrationreview.com/news/article/19251/ecuador-denounce-remaining-bits> (last visited February 15, 2011).

51. Attached hereto as Exhibit 500 is a true and correct copy of an article entitled “Ecuador terminates BITs with eight LatAm states,” GLOBAL ARBITRATION REVIEW, dated November 5, 2008.

52. Attached hereto as Exhibit 501 is a true and correct copy of an article entitled “Ecuador: Investor Concern Grows, Perenco threatens to leave Ecuador as the government plans to raise corporate taxes,” LATIN BUSINESS CHRONICLE, dated July 14, 2009.

53. Attached hereto as Exhibit 502 is a true and correct copy of an article entitled “Perenco and Conoco threaten to suspend Ecuador Operations,” GLOBAL ARBITRATION REVIEW, dated July 15, 2009.

54. Attached hereto as Exhibit 503 is a true and correct copy of an article by Damon Vis-Dunbar entitled “Ecuador defies provisional measures in dispute with French oil company,” INVESTMENT TREATY NEWS, dated June 8, 2009, *available at* <http://www.investmenttreatynews.org/cms/news/archive/2009/06/05/ecuador-defies-provisional-measures-in-dispute-with-french-oil-company.aspx> (last viewed February 13, 2009).

55. Attached hereto as Exhibit 504 is a true and correct copy of an article by Daniel Cancel entitled “Ecuador Likely Will Appeal Chevron Court Ruling, Barclays Says,” BLOOMBERG.COM, dated March 31, 2010.

56. Attached hereto as Exhibit 505 is a true and correct copy of the Decision on Provisional Measures, dated November 19, 2007, in the case *City Oriente Ltd. v. Republic of Ecuador and Petroecuador*, ICSID Case No ARB/06/21.

57. Attached hereto as Exhibit 506 is a true and correct copy of the Affidavit of Doctor César Coronel Jones dated August 31, 2010.

58. Attached hereto as Exhibit 507 is a true and correct copy of a Courthouse News Service article dated February 1, 2011 entitled, “Chevron Levels RICO Charges Over \$113 Billion Trial in Ecuador,” by Barbara Leonard, *available at* <http://www.courthousenews.com/2011/02/01/33808.htm>.

59. Attached hereto as Exhibit 508 is a true and correct copy of an El Comercio article dated February 12, 2011 entitled “El escándalo de los cheques tumbó el fallo en la Corte Constitucional” [“Check scandal topples a Constitutional Court ruling”], and a certified English translation thereof, *available at* <http://www4.elcomercio.com/Generales/Solo-Texto.aspx?gn3articleID=294552>.

60. Attached hereto as Exhibit 509 is a true and correct copy of a La Hora article dated February 12, 2011 entitled “Caso de la Cervecería regresó a los juzgados” [“Cervecería Case returned to the courts”], and a certified English translation thereof, *available at* http://www.lahora.com.ec/index.php/noticias/show/1101093831/-1/Caso_de_Cervecería_regresó_a_los_juzgados.html.

61. Attached hereto as Exhibit 510 is a true and correct copy of a Westlaw News & Insight article dated February 2, 2011 entitled “Chevron accuses Ecuadorean plaintiffs of extortion.”

62. Attached hereto as Exhibit 511 is a true and correct copy of a Huffington Post article dated February 1, 2011 entitled “Chevron Countersues Ecuador Pollution Lawyers,” *available at* http://www.huffingtonpost.com/2011/02/02/chevron-countersues-ecuad_n_817411.html?view=screen.

63. Attached hereto as Exhibit 512 is a true and correct copy of a Law360 article dated February 1, 2011 entitled “Chevron Accuses Ecuadoreans’ Atty of Extortion,” by Erin Fuchs, *available at* http://www.law360.com/print_article/223261?section=topnews.

64. Attached hereto as Exhibit 513 is a true and correct copy of an email dated March 9, 2008 from D. Beltman to Lorena Gamboa with the subject “questions,” with an attachment entitled “ecoalue.Annex.formatted.english.doc,” and bearing the Bates number STRATUS-NATIVE067644.

65. Attached hereto as Exhibit 514 is a true and correct copy of an El Comercio article dated February 13, 2011 entitled “2 fallos internacionales a favor de la Chevron” [“Two international rulings in favor of Chevron”], and a certified English translation thereof.

66. Attached hereto as Exhibit 515 is a true and correct copy of a filing by P. Fajardo in the Lago Agrio litigation, and a certified English translation thereof.

67. Attached hereto as Exhibit 516 is a true and correct copy of a PR Newswire dated February 2, 2011 entitled “Amazon Defense Coalition: Scientific Evidence Will Triumph Over Chevron’s Intimidation Tactics in Ecuador, Say Plaintiffs.”

68. Attached hereto as Exhibit 517 is a true and correct copy of a Yahoo News article dated February 3, 2011 entitled “Amazon Defense Coalition: Chevron Threatened Ecuador Judge With Prison Time if he Failed to Grant Their Motions, Court Papers Say,” *available at* http://news.yahoo.com/s/usnw/20110203/pl_usnw/DC42272_1/print.

69. Attached hereto as Exhibit 518 is a true and correct copy of an article by Maria Lya Ramos posted on February 11, 2011 entitled “Chevron’s RICO Suit: An Exercise in High Satire?”

70. Attached hereto as Exhibit 519 is a true and correct copy of an email dated July 2, 2008 from S. Donziger to J. Kohn with the subject “big meeting today,” produced by S. Donziger and bearing the Bates number DONZ00064683, and a certified English translation thereof.

71. Attached hereto as Exhibit 520 is a true and correct copy of a handwritten note dated February 7, 2011, letters from Hugh Camacho to Peter I. Bijur dated September 18, 1997 with attachments, and “Sucumbios Radio Report on Plaintiffs’ Proceeding in the at [sic] Well Lago Agrio 20” dated January 26, 2011, and certified English translations thereof.

72. Exhibit 521 was intentionally left blank.

73. Attached hereto as Exhibit 522 is a true and correct copy of an email dated May 27, 2007 from S. Donziger to C. Champ with the subject, “FOE is on our team RE: exxon valdez 30x,” with an attachment entitled, “Crude Operator,” previously used as Exhibit 23 to the William Powers deposition, taken on September 10, 2010, in *In re Application of Chevron Corp.*, No. 10-cv-01146-IEG (WMC) (S.D. Cal.).

74. Attached hereto as Exhibit 523 is a true and correct copy of an email dated May 28, 2007 from W. Powers to S. Donziger and others with the subject, “FOE is on our team RE: exxon valdez 30x,” produced by S. Donziger and bearing bates number DONZ00024491 and previously used as Exhibit 1668 to the Steven Donziger deposition, taken on January 31, 2011, in *In re Application of Chevron Corp.*, No. 10 MC 00002 (LAK) (S.D.N.Y.).

75. Attached hereto as Exhibit 524 is a true and correct copy of an email chain dated July 29, 2005 between S. Donziger and C. Calmbacher with the subject, “Payment,” produced by S. Donziger and bearing the Bates number DONZ00016686.

76. Attached hereto as Exhibit 525 is a true and correct copy of an email chain dated January 17, 2008 between “Russ” and S. Donziger with the subject, “update on Ecuador,” produced by S. Donziger and bearing the Bates number DONZ00125543.

77. Attached hereto as Exhibit 526 is a true and correct copy of an email chain dated February 20, 2008 from A. Maest to J. Peers and D. Beltman with the subject “Ecuador database checking,” produced by Stratus and bearing the Bates number STRATUS-NATIVE051432.

78. Attached hereto as Exhibit 527 is a true and correct copy of an email chain dated May 21, 2010 among S. Donziger, I. Maazel, and others with the subject, “Plaintiffs’ Response To Stratus Status Report,” produced by S. Donziger and bearing the Bates number DONZ00031331.

79. Attached hereto as Exhibit 528 is a true and correct copy of an email chain dated April 2, 2008 among P. Fajardo, S. Donziger, L. Yanza, and others with the subject, “lo mas pronto posible” [“as soon as possible”], produced by S. Donziger and bearing the Bates number DONZ00045561, and a certified English translation thereof.

80. Attached hereto as Exhibit 529 is a true and correct copy of an email chain dated June 20, 2008 among S. Donziger, P. Fajardo, and L. Yanza with the subject, “CORREA ISSUES,” produced by S. Donziger and bearing the Bates number DONZ00064612.

81. Attached hereto as Exhibit 530 is a true and correct copy of a Woodward-Clyde report dated May 2000 entitled, “Remedial Action Project Oriente Region, Ecuador,” produced by Stratus and bearing the Bates number STRATUS10022010 003711.

82. Attached hereto as Exhibit 531 is a true and correct copy of an email dated August 1, 2008 from D. Beltman to P. Fajardo and S. Donziger with the subject, “Plan de Trabajo – Texpet cleanup.”

83. Attached hereto as Exhibit 532 is a true and correct copy of an email dated October 27, 2008 from J. Berlinger to S. Donziger with the subject "Film Notes," produced by J. Berlinger and bearing Bates numbers JB01517-1525.

84. Attached hereto as Exhibit 533 is a true and correct copy of an excerpt of a report entitled, "2011 Country Scorebook," by Millennium Challenge Corporation.

85. Attached hereto as Exhibit 534 is a true and correct copy of an excerpt of a report entitled "Economic Freedom of the World: 2010 Annual Report," by James Gwartney, Joshua Hall, and Robert Lawson of the Fraser Institute.

86. Attached hereto as Exhibit 535 is a true and correct copy of an excerpt of a report entitled "The Global Competitiveness Report 2010-2011," by Klaus Schwab of the World Economic Forum.

87. Attached hereto as Exhibit 536 is a true and correct copy of a graph entitled "Rule of Law (2009)," from a publication entitled "The Worldwide Governance Indicators: Methodology and Analytical Issues," by Kaufmann D., A. Kraay, and M. Mastruzzi.

88. Attached hereto as Exhibit 537 is a true and correct copy of an undated Radio Sucumbíos article entitled "Abogados de Chevron demandaron a campesinos y abogados demandantes" ["Chevron Attorneys Sue Peasants and Plaintiffs' Attorneys"], and a certified English translation thereof.

89. Attached hereto as Exhibit 538 is a true and correct copy of an undated Dow Jones article entitled "Ecuador President Seeks to End Investment Protection Agreements," by Mercedes Alvaro.

90. Attached hereto as Exhibit 539 is a true and correct copy of a Perenco Ecuador Limited article dated July 3, 2009 entitled “Perenco Will Protect Its Rights in Ecuadorian Oil Seized in Defiance of International . . .,” by Rodrigo Marquez.

91. Attached hereto as Exhibit 540 is a true and correct copy of an email dated March 14, 2008 from S. Donziger to G. Heredia, L. Yanza, P. Fajardo, J. Prieto, J. Saenz and others with the subject “BUENAS NOTICIAS!” [“GOOD NEWS!”], produced by S. Donziger and bearing the Bates number DONZ00063975, and a certified translation thereof.

92. Attached hereto as Exhibit 541 is a true and correct copy of an email dated July 3, 2008 from S. Donziger to P. Fajardo and L. Yanza with the subject, “hablamos hoy los tres” [“do you want to talk today, the three of us?”], produced by S. Donziger and bearing the Bates number DONZ00064688, and a certified English translation thereof.

93. Attached hereto as Exhibit 542 is a true and correct copy of an email dated August 11, 2008 from S. Donziger to P. Fajardo, L. Yanza, and others with the subject, “problema” [“problem”], produced by S. Donziger and bearing the Bates number DONZ00064887, and a certified English translation thereof.

94. Attached hereto as Exhibit 543 is a true and correct copy of an email dated April 12, 2007 from Eugenia Garcés to S. Donziger with the subject “importante” [“important”], produced by S. Donziger and bearing the Bates number DONZ00088706, and a certified English translation thereof.

95. Attached hereto as Exhibit 544 is a true and correct copy of an email dated April 12, 2007 from E. Garcés to S. Donziger with the subject “Texto ayuda técnica” [“Technical Support”], with an attachment entitled, “Declaration of Health and Sanitation Emergency in the Cantons of Francisco de Orellana, Joya de los Sachas, Shushfindi and Lago Agrio,” produced by

S. Donziger and bearing the Bates number DONZ00088707, and a certified English translation thereof.

96. Attached hereto as Exhibit 545 is a true and correct copy of an email chain dated July 14, 2006 between S. Donziger and HAVOC with the subject “contacto” [“contact”], produced by S. Donziger and bearing the Bates number DONZ00019860, and a certified English translation thereof.

97. Attached hereto as Exhibit 546 is a true and correct copy of a transcript from the February 8, 2011 hearing in this action.

98. Attached hereto as Exhibit 549 is a true and correct copy of a transcript of a hearing on July 15, 2010 in *Tellez v. Dole*, No. BC312852 (C.D. Cal.).

99. Attached hereto as Exhibit 550 is a true and correct copy of a transcription of an interview with P. Fajardo on the television program “Gama TV,” on August 2, 2011, and a certified English translation thereof.

100. Attached hereto as Exhibit 551 is a true and correct copy of a CD containing excerpts from the deposition of Steven Donziger taken on December 23, 2010, January 18, 2011, January 19, 2011, January 29, 2011, and January 31, 2011 in *In re Application of Chevron*, No. 10-MC-00002 (LAK) (S.D.N.Y.), true and correct copies of selected excerpts from the unreleased footage from the movie *Crude*, and excerpts from the deposition of Charles W. Calmbacher, taken on March 29, 2010 in *In re Application of Chevron Corp.*, 1: 10-MI-0076-TWT-GGB (N.D. Ga.).

101. Attached hereto as Exhibit 552 is a true and correct copy of a transcript of excerpts from the deposition of Steven Donziger taken on December 23, 2010, January 18, 2011, January 19, 2011, January 29, 2011, and January 31, 2011 in *In re Application of Chevron*, No.

10-MC-00002 (LAK) (S.D.N.Y.), excerpts from the unreleased footage from the movie *Crude*, and excerpts from the deposition of Charles W. Calmbacher, taken on March 29, 2010 in *In re Application of Chevron Corp.*, 1: 10-MI-0076-TWT-GGB (N.D. Ga.).

102. Attached hereto as Exhibit 553 is a true and correct copy of portions of the transcript of the deposition of Steven Donziger taken on December 1, 2010, December 8, 2010, December 22, 2010, December 23, 2010, December 29, 2010, January 18, 2011, January 19, 2011, January 29, 2011, and January 31, 2011 in *In re Application of Chevron*, No. 10-MC-00002 (LAK) (S.D.N.Y.).

103. Attached hereto as Exhibit 554 is a true and correct copy of the Judgment by the Sucumbios Provincial Court issued in the Lago Agrio Litigation on February 14, 2011.

104. Attached hereto as Exhibit 555 is a true and correct copy of a Fox Business article dated February 15, 2011 entitled, "Ecuadorean Plaintiffs In Chevron Case To Appeal Court's \$8.6 Billion Ruling," available at <http://www.foxbusiness.com/markets/2011/02/15/ecuadorean-plaintiffs-chevron-case-appeal-courtsbillion-ruling/>.

105. Attached hereto as Exhibit 556 is a true and correct copy of a brief filed on June 24, 2010 by Chevron Corporation and Texaco Petroleum Company in *Republic of Ecuador v. Chevron Corp.*, No. 10-1020-cv(L), and *Yaiguaje v. Chevron Corp.*, No. 10-1026(CON) (2d Cir.).

106. Attached hereto as Exhibit 557 is a true and correct copy of an email dated April 2, 2008 from P. Fajardo to L. Yanza, S. Donziger, and others with the subject, "SCHISMES Y SUGERENCIA" ["GOSSIP AND SUGGESTIONS"], produced by S. Donziger and bearing the Bates number DONZ00045581, and a certified English translation thereof.

107. Attached hereto as Exhibit 558 is a true and correct copy of portions of the, *Inc.*, transcript of the deposition of Ann Maest taken on January 19, 2011 and January 20, 2011 in *Chevron Corp. v. Stratus Consulting* No. 1:10-cv-00047-MSK-MEH (D. Colo.).

108. Attached hereto as Exhibit 559 is a true and correct copy of portions of the transcript of the deposition of Daniel Lee Rourke, taken on December 20, 2010, in *Chevron Corp. v. Rourke*, No. 8:10-cv-02989-AW (D. Md.).

109. Attached hereto as Exhibit 560 is a true and correct copy of portions of the transcript of the deposition of Douglas C. Allen, taken on December 16, 2010, in *Application of Chevron Corp. v. Allen*, 2:10-mc-00091-WKS (D. Vt.).

110. Attached hereto as Exhibit 561 is a true and correct copy of portions of the transcript of the deposition of Jonathan Shefftz taken on December 16, 2010 in *Chevron Corp. v. Shefftz*, No. 1:10-mc-10352-JFT (D. Mass.).

111. Attached hereto as Exhibit 562 is a true and correct copy of an article dated February 11, 2011 entitled “Chevron notches key win in Ecuador pollution fight,” REUTERS, by Braden Reddall, *available at* <http://www.reuters.com/assets/print?aid=USTRE71A5W820110211>.

112. Attached hereto as Exhibit 563 is a true and correct copy of a Wolters Kluwer article dated February 15, 2011 entitled “Plaintiffs’ Lawyer Pablo Fajardo Discusses Chevron Ecuador Judgment,” by Roger Alford, *available at* <http://kluwerarbitrationblog.com/blog/2011/02/15/plaintiffs-lawyer-pablo-fajardo-discusses-chevron-ecuador-judgment/>.

113. My previous Declaration dated February 3, 2011, contained an inadvertent error in the description of Exhibit 98. Exhibit 98 attached to that Declaration is a true and correct

copy of an article dated December 2, 2010 entitled “FACTBOX-Key political risks to watch in Ecuador,” REUTERS.

114. Exhibit 114 was attached to my previous Declaration dated February 3, 2011 without a certified translation. Attached hereto as Exhibit 114 is a true and correct copy of Exhibit 114 to my February 3, 2011 declaration, which is a true and correct copy of a transcript of a June 4, 2010 interview with Attorney General Diego Garcia entitled “The Ecuadorian Government is Not Responsible for the Environmental Damage Caused by Chevron,” along with a certified translation thereof.

115. Exhibit 407 was attached to my previous Declaration dated February 3, 2011 without a certified translation. Attached hereto as Exhibit 407 is a true and correct copy of Exhibit 407 to my February 3, 2011 declaration, which is a true and correct copy of an email chain dated March 30, 2008 between D. Beltman to S. Donziger with the subject, “¿Qué opina de esto?” [“what do u think of this?”], produced by Stratus and bearing the Bates number STRATUS-NATIVE069123, along with a certified English translation thereof.

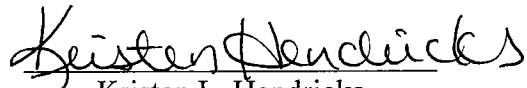
116. Exhibit 445 was attached to my previous Declaration dated February 3, 2011 without a certified translation. Attached hereto as Exhibit 445 is a true and correct copy of Exhibit 445 to my February 3, 2011 declaration, which is a true and correct copy of an email dated November 29, 2006 from L. Yanza to P. Fajardo, S. Donziger, and others with the subject, “documento bonifaz” [“bonifaz document”], demonstrating usage of the email address casotexaco@gmail.com, along with a certified English translation thereof.

117. Exhibit 453 was attached to my previous Declaration dated February 3, 2011 without a certified translation. Attached hereto as Exhibit 453 is a true and correct copy of Exhibit 453 to my February 3, 2011 declaration, which is a true and correct copy of an email

chain among S. Donziger, P. Fajardo, L. Yanza, and others with the subject “cuidado” [“careful”], produced by S. Donziger and bearing the Bates number DONZ00068235, along with a certified English translation thereof.

118. Exhibit 454 was attached to my previous Declaration dated February 3, 2011 without a certified translation. Attached hereto as Exhibit 454 is a true and correct copy of Exhibit 454 to my February 3, 2011 declaration, which is a true and correct copy of an email chain dated January 2, 2001 among P. Fajardo, S. Donziger, and L. Yanza with the subject, “llegada” [“arrival”], produced by S. Donziger and bearing the Bates number DONZS00002629, along with a certified English translation thereof.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 15th day of February, 2011 at New York, New York.


Kristen L. Hendricks